



## New Jersey Department of Children and Families Policy Manual

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**SUBJECT:** Student Conduct

**EFFECTIVE DATE:** May 30, 2000

**REVISED DATE:** September 17, 2013

### **A. OBJECTIVES**

1. To provide all students in Department of Children and Families (DCF) and Department of Human Services (DHS) State facility education programs with a safe, well-disciplined and orderly learning environment.
2. To ensure that each DCF and DHS State facility education program implements a Code of Student Conduct which establishes standards for positive student development and student behavioral expectations within the school setting, on the school bus and at school-related functions.
3. To assist staff at DCF and DHS State facility education programs with appropriately addressing student misconduct and discipline problems, if they arise.
4. To establish discipline procedures which are in accordance with the IDEA Amendments of 2004 (20 USC §§1400 et seq.), 34 CFR §300.519 to 529, N.J.S.A. 18A:6-1, 18A:37-1 et seq., N.J.A.C. 6A:16-4 to 7, and N.J.A.C. 6A:14.

### **B. STANDARDS**

1. Each DCF and DHS State facility education program shall develop, implement, maintain and distribute a Code of Student Conduct that includes the elements outlined in this policy and is specific to the school's student population.

2. All students in DCF and DHS State facility education programs shall comply with the established rules of the school.
3. While providing an orderly, safe and drug-free school environment, the rights of students with and without disabilities shall be protected in accordance with federal and State statutes and regulations.
4. Staff within DCF and DHS State facility education programs shall employ positive and non-physical interventions, whenever feasible, to manage student behaviors and shall proceed, only when necessary, from the least intrusive behavioral management methods to more restrictive techniques which shall be implemented in accordance with this policy, as applicable.
5. As appropriate, Individualized Education Programs (IEP), with behavioral intervention strategies to enhance pro-social behaviors, shall be developed for students with disabilities in DCF and DHS State facility education programs.
6. Each suspension of a student in a DCF or DHS State facility education program shall not exceed four consecutive school days without the express approval of the Director, OOE.
7. As required, the Education Supervisor (ES) or designee shall complete an Unusual Incident Report (UIR) in accordance with OOE Policy # 29, "Reporting Unusual Incidents" or the DCF or DHS residential facility's policy, as appropriate.

**C. PROCEDURES: CODE OF STUDENT CONDUCT**

1. The ES at each DCF and DHS State facility education program, in collaboration with other members of the school community, shall develop a Code of Student Conduct which includes and addresses all of the areas identified in the "Required Elements for a Code of Student Conduct" (Attachment 1).
  - a. The Code of Student Conduct established at each DCF and DHS State facility education program shall be designed to achieve the following purposes:
    - foster the health, safety and social/emotional well-being of students;
    - support the establishment and maintenance of a safe, secure, civil, supportive and disciplined school environment conducive to learning;
    - promote the achievement of high academic standards;
    - prevent the occurrence of behavioral problems;
    - establish procedures for the intervention and remediation of student problem behaviors at all stages of identification; and

- establish parameters for the school's response to violations of the Code of Student Conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders and students' histories of inappropriate behaviors.
  - b. The Code of Student Conduct shall reflect the mission and core beliefs of the agency/department under which the entity operates.
  - c. The ES may deny student participation in extracurricular activities, school functions, school trips, sports or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment, in accord with the Code of Student Conduct.
  - d. A current list of available "Community-based Provider Agencies and Supportive Resources" for students and their families, as posted on the DCF OOE Portal Page under the above title, shall be provided to students and their families upon request.
2. The Code of Student Conduct shall be reviewed annually and updated, as necessary.
  3. A newly written Code of Student Conduct for a DCF or DHS State facility education program and any proposed revision to a program's existing Code of Student Conduct shall be reviewed and approved prior to implementation by the appropriate Regional Administrator assigned responsibility for the program. State facility education programs operated by another entity other than the OOE shall also receive approval on their Code of Student Conduct as required by their respective agencies.
  4. The ES and his/her supervisor shall collaboratively determine the format and the method of distribution for the Code of Student Conduct, such as incorporating the Code of Student Conduct into the school's Student/Parent Handbook.
  5. The Code of Student Conduct shall be distributed upon admission to new students and their parents/residential providers and annually thereafter or following any revisions to the Code of Student Conduct.
  6. In addition to distributing the Code of Student Conduct, the expectations for student behavior shall be posted in a prominent place in the school.
  7. The ES shall ensure that all educational staff are trained annually regarding the school's Code of Student Conduct.

- a. The training shall include the prevention of, the intervention for, and remediation of student behavior which is in violation of the school's Code of Student Conduct.
  - b. The orientation program for new employees shall include information about the school's Code of Student Conduct.
- 8. All educational staff shall know their respective roles and responsibilities in implementing the Code of Student Conduct.
- 9. Each DCF or DHS State facility education program shall equitably apply the Code of Student Conduct.

**D. PROCEDURES: MANAGING STUDENT BEHAVIORS**

- 1. The DCF Office of Education's "Behavior Management Guidelines and Best Practices" (Attachment 2) contains guiding principles regarding the entire school environment and the provision of instructional services to help schools effectively refine their management of student behaviors and create/maintain an education program that is safe and conducive to learning.
- 2. The behavior management of students shall be addressed by employing a hierarchy of strategies, beginning with the least intrusive and most positive techniques and moving, only as needed, to more restrictive interventions.
- 3. The behavior management of students shall be designed to:
  - a. Meet the unique needs of a specific student population;
  - b. Promote a positive and safe environment;
  - c. Be easily understood;
  - d. Be reasonable in its expectations; and
  - e. Assist students with self-management and coping skills.
- 4. Pursuant to N.J.S.A. 18A:6-1, no employee of a DCF or DHS State facility education program shall inflict or cause to be inflicted corporal punishment upon a student attending the program.
  - a. Corporal punishment is the intentional infliction of physical pain as a method of changing behavior and may include methods such as hitting, slapping, punching, kicking, pinching, shaking, use of various objects, or painful body postures.

- b. However, within the scope of their employment and in accordance with N.J.S.A. 18A:6-1, educational staff may use and apply such amounts of force as is reasonable and necessary:
    - 1) to quell a disturbance that is threatening physical injury to others;
    - 2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a student;
    - 3) for the purpose of self-defense; and
    - 4) for the protection of persons or property.
  - c. Such acts, as described in 3.b. above, shall not be construed to constitute corporal punishment.
5. Staff shall be trained in approved behavior management techniques, such as the "Handle with Care" system, in order to use physical restraint to control a student's behavior to protect the student and/or a member of the school community from imminent serious physical harm.

**E. PROCEDURES: MANAGING STUDENT BEHAVIORS IN DCF REGIONAL SCHOOLS**

- 1. In each DCF Regional School, the ES shall inform parents and residential providers, as appropriate, about the procedures for managing student behaviors utilized at the school by providing them with the document, "Behavior Management Information for Parents and Residential Providers" (Attachment 3). Note that this notification specifies the OOE philosophy of managing student behaviors and implementing life-safety techniques, and therefore establishes a hierarchy of strategies, beginning with the least intrusive and most positive techniques, and moving, only when necessary, to more restrictive interventions.
- 2. As the basis for all interventions, the dignity of each student shall be maintained at all times.
- 3. Each DCF Regional School shall utilize a positive motivational system, as outlined in the school's Code of Student Conduct, to reinforce appropriate student behavior. These positive elements may include, but not be limited to:
  - a. Use of positive language by staff which acknowledges and reinforces appropriate student behavior;
  - b. Use of a student point system with scheduled rewards; and

- c. Student recognition programs, such as “student of the week”.
- 4. As necessary, the school may develop **individualized behavioral plans** to assist students in managing specific behavioral challenges.
  - a. The ES and other appropriate personnel shall conduct an analysis of the student’s behavior in relationship to the environment. The results of this functional analysis shall establish the basis for the development of an individualized plan to address specific student behaviors. The following questions shall be considered:
    - 1) Where is the behavior most likely and/or least likely to occur?
    - 2) When is the behavior most likely and/or least likely to occur?
    - 3) Why does the behavior occur?
    - 4) What are the consequences that sustain or diminish the behavior?
  - b. Thorough, specific answers to these questions will provide the information required to design and implement strategies to address and ameliorate the student’s presenting behaviors.
  - c. These behavioral strategies may be incorporated into the Individualized Education Program (IEP) or the Individualized Program Plan (IPP) planning process.
- 5. Where appropriate, the school staff, in consultation with the ES, shall develop areas which may be utilized as an “**Alternate Environment**”, which is a location (i.e. an area within the classroom, the principal’s office, another staff member’s office or pupil resource room) in a calm environment where a child may seek or may be directed to go to temporarily, in order to avoid a crisis situation.
  - a. The teacher shall be aware of the student’s needs, using this location as a *means of prevention*, not punishment.
  - b. The use of the Alternate Environment is implemented by either of the following two methods:
    - 1) The student initiates the request to go to the Alternate Environment and has access to the area without admonition or censure when he/she recognizes his/her inability to manage his/her behavior in the classroom environment.

- 2) The teacher recognizes that the student is becoming adversely stimulated within the general classroom environment and directs the student to the Alternate Environment in a positive manner.
  - c. The use of the Alternate Environment shall not be implemented in a fashion that precludes the ability of a student to be involved in and progress in the general education curriculum or advance appropriately toward attaining the goals specified in the student's IEP for a student with disabilities.
  - d. The student shall be supervised by a staff member at all times while in the Alternate Environment.
6. Removing a student from the immediate area where a behavior may be occurring by **guiding** the student to a neutral area may assist in deescalating behavior. This shall be implemented as follows:
- a. Staff members shall speak calmly to the student and explain that they are offering the student a choice to leave the immediate area.
  - b. The touching, guiding and/or leading a student out of an area without the use of a physical control technique shall be utilized, as appropriate, to enable the student an opportunity to regain his/her composure and self-control.
7. As appropriate, the school may utilize a "**Crisis Intervention Area**" which is a designated area in the school that is made available when a student must be removed temporarily from the classroom environment to maintain the safety of the student and others. This shall be accomplished by utilizing the Handle With Care escort techniques.
- a. Criteria for the Crisis Intervention Area shall include, but is not limited to, the following:
    - 1) The area is within a room which has no separate enclosures such as free-standing dividers, walls or doors;
    - 2) The area is an adequate size, has minimal, appropriate furnishings and has a carpet or padding on the floor;
    - 3) The area is safe and free of potential hazards;
    - 4) There is continuous adult supervision within the room;
    - 5) There is a video camera surveillance system in continuous use which is able to monitor the student at all times;

- 6) Criteria for a student's return to the classroom is clearly stated verbally to the student and appears in writing within the room; and
  - 7) Time parameters are reasonable.
- b. Each student's stay in the Crisis Intervention Area shall be recorded on a log which shall be available for administrative review;
- 1) The log shall be maintained separately from the student education records.
  - 2) The log developed by the school shall minimally contain the following elements:
    - a) Student's name;
    - b) Date;
    - c) Time in;
    - d) Time out;
    - e) Reason;
    - f) Name of supervising staff member; and
    - g) Anecdotal comments.
  - 3) The ES and appropriate school staff shall analyze the data relating to the frequency and length of time each student utilizes the Crisis Intervention Area to evaluate the efficacy of this strategy, to monitor the student's time away from instructional activities, and to assess the possible overuse/misuse of this area.
  - 4) The logs shall be reviewed internally on a monthly basis by the appropriate teacher(s), the ES and the Regional Administrator who shall bring any concerns/issues to the attention of the Director, OOE, or designee, as needed.
- c. The student shall only remain in this area until he/she is able to return to the classroom in a calm, controlled manner.
- 1) The student should be able to sit/relax while de-escalating and preparing for his/her return to class.
  - 2) The student shall be provided with an appropriate item(s) to safely release his/her aggression/stress, such as a pillow, hand-held "stress ball" or beanbag chair.
  - 3) Staff shall make every effort to ensure that the student's stay is as brief as possible.



8. The school may only utilize an **approved physical control technique** in an emergency situation to protect the student and members of the school community from **imminent physical harm**. A physical control technique is the use of physical force by a staff member to restrict the free movement of all or a portion of a student's body.
  - a. If a Regional School does utilize approved physical control techniques as a behavior management and life-safety strategy, the ES shall inform each student's parent and residential provider, as applicable, and shall obtain information about the existence of any medical/psychological conditions that would prohibit the use of physical control techniques with each student, by using the appropriate notification form, as follows:
    - 1) For Day Students, the "Parental Notification Regarding Use of Approved Physical Control Techniques (Day Students)" form shall be provided to each student's parent/legal guardian (Attachment 4A). This notification provides the parent with the opportunity to specify any known medical/psychological issues pertaining to the child which may preclude the use of a physical control technique.
    - 2) For Residential Students, the "Notification of Use of Approved Physical Control Techniques (Residential Students)" form shall be provided to each student's residential program (Attachment 4B) and to each student's parent/legal guardian (Attachment 4C).
      - a) Attachment 4B shall be completed by an appropriate staff member from the residence who shall review documentation from the child's most recent physical examination and indicate if the student has a medical/psychological restriction which would preclude the use of a physical control technique.
      - b) Attachment 4C shall be completed by the student's parent/ legal guardian. This form shall be forwarded directly by the school to the parent or may be presented by the residential provider to the parent at the time of the student's admission.
    - 3) The completed forms shall be returned to the school and shall be reviewed by the school's nurse and the ES.
      - a) While reviewing the completed forms, if the school's nurse determines that a student has a medical/psychological condition prohibiting the use of physical control techniques which has not been documented on the form, the nurse shall make a note on the student's form and immediately notify the ES.

- b) If the use of physical control techniques is prohibited due to a medical/psychological issue, the ES shall ensure that this information is communicated to all staff and that a physical control technique is not implemented with that student.
- 4) If the school does not receive a completed notification form from the parent or the residence despite additional attempts to obtain it, the school's nurse shall communicate verbally with the parent and/or the residential provider, as appropriate, and document the relevant information about the student and the contact person(s) on the applicable form, making sure to also note the responses were provided over the telephone.
- 5) The ES, or designee, shall interview each student upon admission to assess:
  - a) How the student copes with anger and frustration;
  - b) The elopement/running away history of the student;
  - c) What "triggers" negative or violent responses for the student; and
  - d) Which words and/or actions staff should avoid with the student.
- 6) The above factors in 5) shall be incorporated into the planning and use of behavior management and life-safety techniques for each student.
- b. A physical control technique shall only be used when a student is a serious danger to him/herself or others and is incapable of being controlled by any less restrictive means.
  - 1) The concept of imminent physical harm for any given student must be based on as much knowledge of the student as can be known and on an analysis of the situation.
  - 2) Use of a physical control technique may escalate dangerous behavior in one student or quickly deescalate harmful behavior in another.
- c. Only staff who have been trained in the use of approved physical control techniques, which is primarily the "Handle With Care" (HWC) system, shall apply such physical interventions.
  - 1) Each staff member is responsible to be aware of his/her level of training and which physical control techniques he/she is approved to use.

- 2) Other available trained staff members shall provide assistance to a staff member who is observed to make an error or who forgets the proper application of a particular technique.
  - 3) A Handle With Care training shall be scheduled at the earliest possible time when a staff member requires retraining for any or all physical intervention techniques.
  - 4) A staff member who is not able to properly implement a physical control technique shall be prohibited from using this type of intervention until he/she has been retrained and approved to use those specific techniques.
- d. The training of staff utilizing the “Handle With Care” system shall meet the following criteria:
- 1) For DCF staff who participate in the training to become certified/recertified as an “Instructor,” the Handle With Care Company shall annually provide its 3-day Instructor training and certify these individuals upon successful completion of the training.
  - 2) Each year, all staff in identified DCF Regional Schools shall participate in a 2-day HWC training provided by two DCF certified Instructors.
    - a) All staff from the identified school shall participate in the verbal skills training sequence.
    - b) Because not all staff members may be able to perform all of the physical competencies, staff members shall participate in the physical skills sequence according to their ability to perform the various physical components as determined by the individual.
    - c) Appropriate equipment, including sets of knee pads shall be made available during each training session.
  - 3) A Master Trainer from the Handle With Care Company shall make at least one observation annually of each DCF certified Instructor providing his/her 2-day HWC training to other staff members.
  - 4) All Instructors shall receive a copy of the complete “Handle With Care Instructor Manual.” In turn, Instructors shall provide each staff member participating in the HWC training with a copy of the “Handle With Care Participants Manual” (both the “Physical Intervention” and the “Verbal Intervention” sections).

- 5) Each staff member's participation in the 2-day training shall be recorded on the "Handle With Care Written Test" (Attachment 5A) and the "Handle With Care Course Competencies Checklist" (Attachment 5B); the results of both shall then be transferred to the "Handle With Care Basic Skills: Course Competencies" form (Attachment 5C). The completed forms shall be maintained at the Regional School. A copy of the "Handle With Care Basic Skills: Course Competencies" form (Attachment 5C) shall be provided to each staff member. The DCF Instructor shall indicate on the forms the specific areas of skill proficiency that each staff member has attained and is qualified to administer.
  - 6) For Instructors, a copy of their HWC "Instructor" certification and HWC Waiver shall be maintained at the DCF Office of Education and at their respective schools, with a copy provided to the Instructor.
  - 7) Staff members who are HWC certified Instructors or HWC Participants shall renew their approved status to implement the HWC system on an annual basis or more frequently, if directed.
  - 8) HWC Participants no longer receive a "certification" in HWC.
  - 9) Staff are eligible to receive documentation of training hours that may additionally qualify for the Department of Education's 100-hour professional development requirement. Staff are eligible for 14 professional development hours as a Participant (equivalent of two 7-hour days). Turnkey-Instructors are eligible for 63 professional development hours (three 7-hour days as a Participant in Instructor Certification Training; two 7-hour days of delivering training, and two hours of preparation for each hour of training for the two-day training sequence). In both instances, these maximum number of hours may be earned once within each five-year cycle, in accordance with Department of Education guidelines. The "Professional Development Form for Handle With Care" (Attachment 5D) shall be utilized to document the number of hours earned.
- e. Regional School or residential staff who utilize the "Handle With Care" or other approved behavior management and life-safety system shall strictly follow all of the approved procedures in which they have been trained.
- 1) The "Handle With Care" behavior management and life-safety system contains a variety of interventions ranging from verbal-only interventions to defensive maneuvers to physical control techniques such as escorts/holds/takedowns as described in the company's Manual for Participants.

- 2) Physical control techniques shall only be used when non-physical interventions are ineffective and when necessary to protect the student and members of the school community from **imminent physical harm**.
- 3) Physical control techniques shall not be used as a punishment or to force compliance.
- 4) When a physical control technique is utilized, the following precautions shall be strictly observed:
  - a) All available trained staff shall provide support during any incident when a physical control technique is employed.
  - b) Physical control techniques shall be discontinued as soon as possible, meaning the student is under control and the emergency no longer exists.
  - c) **The “prone restraint” position is prohibited from use in all DCF Regional Schools.**
  - d) **The supine therapeutic hold is prohibited from use with Project TEACH students (pregnant and parenting teen program).**
  - e) Physical control techniques shall not be administered in any manner that prevents a student from breathing or speaking.
  - f) The student’s physical status, including respiration and skin color, shall be monitored continuously throughout the restraint procedure. Whenever possible, someone other than the person applying the physical control technique shall properly monitor the student.
  - g) Physical control techniques shall not deprive the student of basic human necessities.
  - h) Physical control techniques shall be administered in a manner that protects the health and safety of the student and others.
  - i) For staff who apply the “Handle With Care” physical control techniques, there shall be no straddling configuration over a student’s upper torso at any time or for any reason.
- f. A student shall be assessed by the school’s nurse after each use of a physical control technique.

- 1) The nurse shall document the results of the assessment in accordance with OOE Policy #11, "Nursing Services for Students Attending DCF Regional Schools."
  - 2) To the degree possible, the nurse shall be summoned to observe the implementation of a physical control technique.
- g. After a student has been physically restrained, the appropriate staff person(s) shall meet with the student, as feasible, prior to his/her return to class.
- 1) When using the "Handle With Care" process, the "Life Space Interview" shall be conducted as soon as possible after a restraint.
  - 2) To help the student reflect on the incident and his/her behavior, the student shall be given an opportunity to write or verbally express his/her thoughts regarding the entire event.
- h. An Unusual Incident Report (UIR) shall be completed for each occasion that school or residential staff implement a physical control technique on school property, on a school bus, or at a school-related activity. The following information\* shall be word-processed into the UIR:
- The type of physical control technique used ("Handle With Care" or other) and the type of hold;
  - Information concerning how and when the parent and residential provider, as appropriate, were notified of the physical control technique;
  - Description of the activity the student was engaged in preceding the physical control technique;
  - The specific behavior exhibited by the student that warranted the physical control technique;
  - Possible reasons (including environmental and emotional factors) for the behavior;
  - Description of efforts to deescalate the behavior and alternative interventions that were attempted and the student's response;
  - The student's response to the physical control technique;
  - Notification to the police and other State agencies and professionals, as applicable;
  - Student outcome, such as the student was returned to the classroom, returned to the residence, escorted by police, or transported by ambulance; and
  - All follow-up actions taken.

\* This information is also available in a separate document (Attachment 6) in order to facilitate the inclusion of this word- processed information into a UIR pertaining to the use of a physical control technique.

- i. The student's parent/guardian and the student's residential provider, as applicable, shall be notified each time a physical control technique is implemented.
  - 1) On the same day that the physical control technique is used, the ES or designee shall attempt to verbally inform, by telephone, the student's parent/guardian and the student's residential provider, as applicable.
  - 2) Within 3 working days following the incident, the ES or designee shall provide written notification to the student's parent/guardian and the student's residential provider, as applicable, by utilizing the letter found at Attachment 7. A copy shall be retained in the student record.
- j. Each time that a "Handle With Care" Primary Restraint Technique is employed, the ES shall document the details of the event on the "Physical Control Technique Report" form (Attachment 8). Note that this form, along with Attachment 6 will assist in the completion of the UIR.
  - 1) A copy of the completed form shall be forwarded to the Director, OOE, or designee and the appropriate Regional Administrator.
  - 2) The OOE shall conduct periodic administrative reviews of the Physical Control Technique Reports, Unusual Incident Reports and any other relevant documentation pertaining to the use of behavior management and life-safety techniques.
  - 3) A copy of each Physical Control Technique Report form shall also be kept on file at the school in a folder/binder which is maintained separately from student education records.
- k. A debriefing meeting shall be convened with the appropriate staff as soon as practical, but within one to two days, following the implementation of a physical control technique with a student in order to discuss the incident and examine areas that need to be addressed or strengthened.
  - 1) The meeting participants shall be selected by the ES.
  - 2) The "Debriefing Meeting Summary" form (Attachment 9) which contains some discussion points shall be utilized to summarize the feedback of the meeting participants and shall be maintained at the Regional School.
- l. Using the UIR, the "Physical Control Technique Report" forms, and the "Debriefing Meeting Summary" forms, the ES and appropriate school staff shall periodically analyze the data relating to the physical control techniques which have been implemented at the school to determine the frequency, the

duration and the efficacy of their use and to plan alternative interventions which may prevent and/or decrease the need to utilize physical control techniques.

9. **The use of mechanical restraints are strictly prohibited at all times in DCF Regional Schools.** However, the Director, OOE will consider for approval the use of “safeguarding equipment” with a student, if the school receives a written order from the student’s health-care provider and written permission from the student’s parent/guardian.
10. **The use of Isolation and Aversives are expressly prohibited at any time in DCF Regional Schools.**
  - a. “Isolation” means physically confining a student alone in a room or limited space without access to school staff or peers. The use of an “alternate environment” or a “crisis intervention area,” as described above, in which a staff member supervises a student and remains immediately accessible to the student, shall not be considered Isolation.
  - b. “Aversives” means unpleasant or painful things that are applied to people at specific times to attempt to discourage undesirable behaviors. They include things like spraying water in a student’s face, use of odor therapy with ammonia, and force-feeding unpleasant liquids such as Tabasco sauce or vinegar.

#### **F. PROCEDURES: SHORT-TERM SUSPENSION**

1. The ES may consider the disciplinary action of a short-term suspension from school for any student who is guilty of conduct which includes, but is not limited to, any of the following:
  - a. Continued and willful disobedience;
  - b. Open defiance of the authority of any teacher or person having authority over him/her;
  - c. Conduct of such character as to constitute danger to the physical well-being of other students;
  - d. Physical assault upon another student;
  - e. Taking or attempting to take, personal property or money from another student or a staff member by means of force or fear;



- f. Willfully causing, or attempting to cause, substantial damage to school property;
- g. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by the State of New Jersey and failure to leave such school or other facility promptly after having been directed to do so by the principal or other person then in charge of such building or facility;
- h. Incitement which is intended to, and does result in, unauthorized occupation by any group of students or others of any part of a school or other facility owned by the State of New Jersey;
- i. Incitement which is intended to, and does result in, truancy by other students;
- j. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
- k. Harassment, intimidation, or bullying.

2. **The short-term suspension of a student in a DCF or DHS State facility education program shall not exceed four consecutive school days.**

(Home instruction, provided in accordance with N.J.A.C. 6A:16-10.2, is required for a student who is suspended for five or more consecutive school days.)

- a. If the ES or designee strongly believes a suspension of more than four days is warranted, the rationale for a longer suspension shall be discussed with the appropriate Regional or OOE Administrator.
  - b. When the Regional or OOE Administrator is in agreement, the matter shall be reviewed with the Director, OOE.
3. When the disciplinary action for a student involves a short-term suspension, the ES or designee shall assure the rights of the student by doing the following:
- a. As soon as possible, give notice to the student, orally or in writing, about the specific charges and basis for the suspension. (The basis for suspension must be identified and located within the Code of Student Conduct.)
  - b. If the student denies the charges, provide an explanation of the evidence which forms the basis of the charges.

- c. Conduct an “informal hearing” prior to the suspension and removal, in which the student is given an opportunity to present his/her version of the events regarding the actions leading to the short-term suspension and the notice of the school’s actions.
    - 1) The informal hearing shall take place even if staff have witnessed the student’s conduct forming the basis of the charge.
    - 2) The informal hearing and the notice of the specific charges and basis for the suspension may take place at the same time.
    - 3) To the extent that a student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the program and the informal hearing shall be held as soon as practical after the suspension.
  - d. Prior to the end of the school day on which the ES makes the decision to suspend the student, the ES or designee shall provide written notification regarding the student’s removal from the education program to the student’s parent/guardian/residential provider, as appropriate, utilizing the letter and form in the Supervisor of Educational Programs/Child Study Team Case Managers Letters and Forms Manual (SEP/CST Manual).
- 4. The ES or designee shall ensure that the student is appropriately supervised while waiting to be removed from the school and that a responsible adult takes possession of the student when he/she is removed during the school day.
  - 5. Each suspension of a student from a DCF or DHS State facility education program shall be documented on the “Record of Suspensions” found in TIENET, which is the student database management system.
  - 6. A student shall not receive suspensions from school which cumulate to more than ten days in a school year.
    - a. When a student is nearing the limit of ten cumulative days of suspension in a school year, the ES shall utilize other appropriate measures, including in-school suspension.

**G. PROCEDURES: IN-SCHOOL SUSPENSION**

- 1. The ES may utilize an in-school suspension for students, based on the criteria specified in the Code of Student Conduct and the school’s responses to various student infractions. Appropriate notifications shall be provided to the student and the student’s parent/legal guardian.

2. The in-school suspension is based on the understanding that the student will continue to address his/her instructional assignments but not have any privileges that he/she would otherwise be entitled to enjoy.
3. Instruction shall take place in an area apart from other students, i.e. the principal's office or other appropriate area where students do not typically receive instruction.
4. An in-school suspension is not considered a removal if the student is afforded the opportunity to continue to appropriately progress in the general education curriculum; to receive the services and modifications specified in the IEP (for students with disabilities) which do not penalize the student with regard to grades, credit or attendance; and to interact with general education children to the same extent as in his/her current placement.
5. A student who receives an in-school suspension as outlined above shall be counted as "present" in the school register during the in-school suspension.
6. Participation in an in-school suspension which meets the criteria specified above is not considered a removal when determining whether a change in placement has occurred or whether a manifestation determination must be conducted in accordance with Federal and State special education regulations. A manifestation determination is a process in which all relevant information concerning a student is reviewed to determine if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability, or if the conduct was the result of the educational agency's failure to implement the Individualized Education Program.

#### **H. PROCEDURES: DISCIPLINARY MEASURES FOR STUDENTS WITH DISABILITIES**

1. For disciplinary reasons, the ES or designee may order the removal/suspension of a student with a disability from his/her current educational placement for not more than ten consecutive or cumulative school days in a school year.  
[As per this policy, a student should not be suspended for more than 4 consecutive days without the express approval of the Director, OOE.]
  - a. The procedures for removal/suspension of a student with a disability are the same as for general education students; however, at the time of removal, the ES shall forward written notification and a description of the reasons for such action to the student's CST Case Manager, as well as the parent or adult student, utilizing the letters and form in the SEP/CST Manual.

- b. All suspensions of a student shall be documented and tracked on the “Record of Suspensions” form found in TIENET.
  - c. A DCF or DHS State facility education program is not required to provide services during periods of removal/suspension to a student with a disability who has been removed from his or her current placement for ten school days or less in that school year, except that if services are provided to general education students for removals of ten or fewer days duration, then students with disabilities shall be provided services in the same manner as students without disabilities during such time periods. Therefore, since regulations require general education students be provided educational services no later than the fifth consecutive day of removal for disciplinary reasons, students with disabilities must be provided with services consistent with their IEP on the fifth day of any removal for disciplinary reasons, or sooner, as deemed appropriate.
  - d. The DCF or DHS State facility education program may, on a case-by-case basis, consider any unique circumstances when determining whether or not to impose a disciplinary sanction for a student with a disability who violates a school code of conduct.
  - e. Preschool students with disabilities shall not be suspended.
- 2. All actions and decisions pertaining to the removal/suspension of a student with a disability shall be documented on the Disciplinary Action Documentation Form (Attachment 10) which shall be maintained in the student’s education record.
  - 3. If a student with a disability is suspended for part of a day, that portion of the day counts towards the ten cumulative days.
  - 4. When transportation is listed as a related service in a student’s IEP, a student shall not be suspended from transportation, independently from school, since the school would be required to provide alternate transportation.
  - 5. If a student with a disability is suspended from transportation only, and not from school, the suspension shall be counted as a day of removal if the student does not attend school.
  - 6. A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated the school’s code of student conduct may assert any of the protections provided for in Federal special education law if the DCF or DHS State facility education program had knowledge that the child was potentially a student with a disability before the behavior that precipitated the disciplinary action occurred.

- a. The DCF or DHS State facility education program is deemed to have knowledge that a child is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:
  - 1) The parent of the child expressed concern in writing to the Education Supervisor or teacher that the child is in need of special education and related services;
  - 2) The parent of the child has requested an evaluation of the child pursuant to N.J.A.C. 6A:14; or
  - 3) The teacher of the child or other school personnel expressed specific concerns regarding patterns of behavior to the Education Supervisor or other supervisory personnel.
7. With the approval of the Director, OOE, a student with a disability may be removed to an Interim Alternate Educational Setting (IAES) for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases where the student:
  - a. Carries or possesses a weapon to or at school, on school premises, on a school vehicle, or at a school function;
  - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, on a school vehicle, or at a school function; or
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, on a school vehicle, or at a school function.
8. The DCF or DHS State facility education program is not prohibited from reporting any crime committed by any student, including a student with a disability, to the appropriate authorities.
9. When reporting the committal of a crime, the ES or designee shall adhere to OOE Policy #4, "Student Education Records and Confidentiality" when the school receives a request to transmit student education record information to the appropriate authorities to whom the crime has been reported.

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Tracy Nowlin  
Director  
Office of Education

#### Attachments

- [Attachment A-1](#): Required Elements for a Code of Student Conduct
- [Attachment A-2](#): Behavioral Management Guidelines and Best Practices
- [Attachment A-3](#): Behavior Management Information for Parents and Residential Providers
- [Attachment A-4A](#): Parental Notification Regarding Use of Approved Physical Control Techniques (Day Students)
- [Attachment A-4B](#): Notification of Use of Approved Physical Control Techniques (Residential Students) – Residential Program
- [Attachment A-4C](#): Parental Notification Regarding Use of Approved Physical Control Techniques (Residential Students) – Parent/Legal Guardian
- [Attachment A-5A](#): Handle With Care Written Test
- [Attachment A-5B](#): Handle With Care Course Competencies Checklist
- [Attachment A-5C](#): Handle With Care Basic Skills: Course Competencies
- [Attachment A-5D](#): Professional Development Form for Handle With Care
- [Attachment A-6](#): Additional Elements of the UIR for Use of Physical Control Techniques
- [Attachment A-7](#): Written Notification to Parent Regarding the Use of an Approved Physical Control Technique
- [Attachment A-8](#): Physical Control Technique Report
- [Attachment A-9](#): Debriefing Meeting Summary
- [Attachment A-10](#): Disciplinary Action Documentation Form

**Note: This is a reproduction of a signed document. The original document is on file with the DCF Office of Education.**